

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

VICTOR STERLING,

Plaintiff,

v.

UNITED STATES OF AMERICA et al.,

Defendants.

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1:23-cv-1082-DII

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendants the United States of America, the Secretary of the Navy, and the Commanding Officer of the Naval Station Long Beach, California's (collectively, "Defendants") Motion to Dismiss, (Dkt. 22). (R. & R., Dkt. 40). Plaintiff Victor Sterling ("Plaintiff") timely filed objections to the report and recommendation. (Objs., Dkt. 42). Defendants filed a response to Plaintiff's objections. (Resp., Dkt. 45).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 40), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss, (Dkt. 22), is **GRANTED**.

**IT IS FINALLY ORDERED** that Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

The Court will enter final judgment by separate order.

**SIGNED** on May 28, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE